

IN THE COURT OF APPEALS OF TENNESSEE

AT NASHVILLE

CATHY P. SPRAYBERRY-	)	
GRAVITT,	)	
	)	
Plaintiff/Appellant,	)	Appeal No.
	)	01-A-01-9707-CH-00295
v.	)	
	)	Montgomery Chancery
DAVID BAKER, Director of	)	No. 95-08-0143
Schools for the CLARKSVILLE-	)	
MONTGOMERY COUNTY	)	
SCHOOLS and	)	
THE CLARKSVILLE-	)	
MONTGOMERY COUNTY	)	
BOARD OF EDUCATION,	)	
	)	
Defendants/Appellees.	)	
	)	

**FILED**

June 12, 1998

Cecil W. Crowson  
Appellate Court Clerk

ORDER

We have reviewed appellee's Petition to Rehear. Counsel correctly points out that the Education Improvement Act of 1992 specified certain duties in the County Administration of education. The two sections cited [T.C.A. 49-2-301(f)(10) and T.C.A. 49-2-203(a)(1)] do refer to "recommendation" of the superintendent to the local board of education. It is the duty of the superintendent to recommend teachers who qualify and the board "elects" such teachers to tenure status as it deems appropriate.

It does not, however, follow, as appellee contends, that the board is powerless to elect a teacher to tenure if the superintendent, through intent or inadvertance, fails to recommend their election. We do not believe the legislature intended to strip the board of this function. Accordingly, the petition is denied.

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HENRY F. TODD, PRESIDING JUDGE

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BEN H. CANTRELL, JUDGE

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WALTER W. BUSSART, SPECIAL JUDGE